

NEWPORT BEACH PLANNING COMMISSION MINUTES
Council Chambers – 3300 Newport Boulevard
Thursday, June 7, 2012
REGULAR MEETING
6:30 p.m.

A. CALL TO ORDER – The meeting was called to order at 6:30 p.m.

B. PLEDGE OF ALLEGIANCE - Commissioner Ameri

C. ROLL CALL

PRESENT: Ameri, Brown, Hillgren, Kramer, Myers, Toerge, and Tucker
ABSENT (Excused): Brown and Myers

Staff Present: Kim Brandt, Community Development Director; Brenda Wisneski, Deputy Community Development Director; Leonie Mulvihill, Assistant City Attorney; Tony Brine, City Traffic Engineer; David Webb, Deputy Public Works Director/City Engineer; Melinda Whelan, Assistant Planner; Makana Nova, Assistant Planner; Gregg Ramirez, Senior Planner; and Jaime Murillo, Associate Planner

D. PUBLIC COMMENTS

Chair Toerge invited comments from those in the audience who wished to address the Commission on other than Agenda items.

Dan Purcell, Corona del Mar, welcomed students from Harbor High School in attendance at this time.

Terry Welch, President of the Banning Ranch Conservancy, commented on the mowing of the Banning Ranch Mesa. He addressed reasons given including fire safety and oil-field maintenance and added there are no active wells on the Mesa. Mr. Welch reported that a lot of the areas being mowed are Coastal Sage Brush and addressed Newport Beach's Coastal Land Use Plan noting that Coastal Sage Brush areas should be considered habitat areas. He asked that the Commission help stop the mowing, have the City Attorney look into the matter, and prepare a report on the legality of the mowing.

There being no others wishing to address the Commission, Chair Toerge closed the public comments portion of the meeting.

In response to Chair Toerge's inquiry regarding jurisdiction for this item, Assistant City Attorney Mulvihill reported that the area is not within the City's jurisdiction but rather that it is County property. She added that statements by Mr. Welch would indicate that there is a violation of the Coastal Act and that in that case, it would be the jurisdiction of the Coastal Commission. She added that the Planning Commission is not able to suspend mowing of the site.

E. REQUEST FOR CONTINUANCES

Community Development Director Brandt noted no requests for continuances but asked that the Commission allow staff to move Item No. 6, regarding an update of Capital Improvement Projects (CIP), forward on the agenda.

There being no objections, it was so ordered.

F. CONSENT ITEMS**ITEM NO. 1** Minutes of May 17, 2012

Chair Toerge invited comments from the public on this item. There was no response and public comments were closed.

Motion made by Vice Chair Hillgren and seconded by Commissioner Kramer, and carried (4 – 0) with Commissioner Tucker abstaining, to approve the minutes of the Planning Commission meeting of May 17, 2012, as presented.

AYES: Ameri, Hillgren, Kramer, and Toerge
NOES: None
ABSTENTIONS: Tucker
ABSENT (Excused): Brown and Myers

H. NEW BUSINESS**ITEM NO. 6** Review of Preliminary Fiscal Year 2012-2013 Capital Improvement Program (PA2007-131)

Assistant Planner Melinda Whelan reported on previous consideration of the item by the Planning Commission and continuation of the discussion to address specific questions that were asked by the Planning Commission. She noted that additional background information was provided in the staff report and referenced the policy analysis and findings. Ms. Whelan stated the recommendations and noted that staff will provide the Commission's findings and recommendations to the City Council for their consideration on June 12, 2012. She reported that Dave Webb, from the City's Public Works Department is in attendance to provide additional information and respond to questions from the Planning Commission.

Deputy Public Works Director/City Engineer Webb presented a PowerPoint presentation with an update on the City's Capital Improvement Projects including addition and deletion of projects by Council. He addressed the current City Hall facility and noted that it is planned for closure in December of 2012. Council decided to keep the facility intact for now and not to demolish it. He stated that the City Council Chambers will be made available as a rental for organizations. Mr. Webb reported on the renovation of the Lifeguard Headquarters and stated that the City Council decided to postpone that project for a year. The design portion will be completed this year, but the renovation will be postponed until the next fiscal year. Mr. Webb addressed the street light rehabilitation project toward Newport Harbor High School; the purchase of additional Rule 28 credits for undergrounding facilities of major arterials; the completion of the implementation plan for the Local Coastal Plan; the installation of new monument signs; the Bristol Street south landscaping; the Balboa Boulevard landscaping design; the Corona del Mar entry improvements; extension of a public walkway on the Marine Avenue Bridge; extension of East Bluff at Jamboree and the addition of a bicycle lane on the south side; and the development of a landscaping concept and street parking plan for Old Newport Boulevard.

Interested parties were invited to address the Planning Commission on this item.

Dan Purcell, Corona del Mar, commented on the monument signs and scaffolding at a nearby bank.

Jim Mosher, Newport Beach, commented on the staff report relative to the purpose of the hearing and making recommendations to the City Council as deemed appropriate. He commented on the duties and powers of the Planning Commission within the City Charter.

There being no others wishing to address the Commission, Chair Toerge closed the public comments on this item.

Motion made by Commissioner Tucker and seconded by Commissioner Ameri, and carried (5 – 0), to determine that the CIP projects are consistent with the policies of the General Plan and direct staff to report this finding to the City Council.

AYES: Ameri, Hillgren, Kramer, Toerge, and Tucker
NOES: None
ABSTENTIONS: None
ABSENT (Excused): Brown and Myers

G. PUBLIC HEARING ITEMS

ITEM NO. 2 Cornerstone Securities Residential Addition (PA2012-027)
SITE LOCATION: 245 Evening Canyon Road

Assistant Planner Makana Nova presented a PowerPoint presentation and a staff report and noted that the original notice included a request for a modification permit and that the application has since been withdrawn because the project has been modified to include the required parking. She addressed location, surrounding properties, and existing conditions. In addition, Ms. Nova reported that the structure is nonconforming because the existing residence encroaches between seven and 11 inches into the required 6-foot southwesterly side yard setback. She addressed setback requirements when the original house was built, and subsequent changes in the Zoning Code. She added that many of the properties in the subject community are currently non-conforming and noted that the former Zoning Code had a provision where additions to structures in the R1-6,000 zone were allowed to be developed in-line with the existing structure regardless of the setback. Ms. Nova also noted that the code provision has since been removed and a variance is now required in order to allow the proposed addition.

Ms. Nova addressed the site plan, proposed addition, first- and second-floor plans, elevations, compliance with the required height limits, and staff recommendations. She noted that the applicant is present to respond to questions and that several letters were received, one of support, four of opposition, in response to notice of the item. Ms. Nova reported that the City does not enforce the Homeowners' Association (HOA) CC&Rs or deed restrictions and that one comment was received that was neither in support or opposition of the project but provided information regarding stringline setbacks and private deed restrictions.

In response to Commissioner Tucker's inquiry regarding the City's jurisdiction versus the HOA, Ms. Nova reported that the Planning Commission will need to make the findings for the requested variance but that it does not regulate the HOA CC&Rs or the deed restrictions. In reply to Commissioner Tucker's question regarding treating the project as a new home versus a remodel, Ms. Nova reported the classifications would not change application of the City's Development Standards. She noted that typically, the project is viewed as a new home if more than 50 percent of the structural members are being replaced.

In response to Commissioner Tucker's inquiry regarding the need for a variance if the applicant were to move the second-floor structure back 11 inches, Ms. Nova reported they would be limited to a 50 percent addition to the existing non-conforming structure. She noted that if the variance is approved, a revised draft resolution has been provided. She added that the applicant would still need a variance for the size of the addition to an existing non-conforming structure.

Chair Toerge referenced the Homeowners' Association letter relative to one of the items that was changed and asked if their letter has been addressed since the applicant agreed to provide the three enclosed parking spaces.

Ms. Nova reported that no additional letters have been received but that she contacted the HOA to advise them of the hearing this evening.

In response to Vice Chair Hillgren's inquiry regarding consistency with other lots relative to the additional square footage, Ms. Nova noted that if the proposed draft resolution for the setback variance is approved this evening, the variance for the size of the addition is not required at this time. If the variance for the side yard setback is denied, the Commission has the option of approving a variance for the size of the addition that complies with the side yard.

Commissioner Ameri inquired regarding the criteria for classifying a project as a new home or as a remodel. Ms. Nova stated that typically, if more than 50 percent of the structural members are being replaced, the project would be viewed as a new home.

Interested parties were invited to address the Commission on this item.

Robert Schueller, Newport Beach, commented on the setback requirements and referenced an adjacent lot that is not maintained and that the subject lot is small in comparison with others in the neighborhood. He expressed concerns with Fire Department access and felt that building a large home on the small lot provides a safety hazard.

Don Peterson, Newport Beach, pointed out restrictions of the subject property relative to the back portion of the lot. He expressed concerns with the structure being increased towards the back and stated it obstructs his view.

In response to Vice Chair Hillgren's inquiry, Mr. Peterson reported that he used to own that subject property and placed deed restrictions through the City.

Daniel Pashan, Cornerstone Securities, affirmed the current deed restrictions that would impede the ability to install a circular staircase. He reported that the proposed circular staircase will be removed and stated he has spoken with Mr. Peterson to assure that the proposed improvements will be in line with the restrictions placed by Mr. Peterson. He reported forwarding a new set of plans that include a third parking stall to the HOA. In addition, he reported submitting preliminary plans that have changed and noted the intent to implement the recommended changes.

George DeBanning, Newport Beach, reported he is an adjacent neighbor and is also in the process of remodelling his home. He reported sending a letter to Ms. Nova and having a survey done for his home, which showed that the clearance of setback between the property line and the existing construction of the subject project is less than five feet. He reported using the same surveyor that was used by the subject property owner and stated the need for the subject project to be expanded more than one foot.

There being no other people wishing to address the Commission, Chair Toerge closed the public comments section for this item.

Vice Chair Hillgren expressed concerns regarding the actual setback and reference to a set of plans that are different than what is currently before the Commission.

Chair Toerge noted that the setback is approximately one foot off and that the alternative would be to scrape the lot, start over or completely rebuild the ground floor structure so that it could support a wall that is a foot in and limit their size to 50 percent of the existing home. He felt that seems like a significant imposition in exchange for 11 inches.

Vice Chair Hillgren expressed concerns with approving the plans as submitted noting they are currently inconsistent with existing, underlying documents.

In response to Chair Toerge's inquiry as to whether the proposed circular stairwell is within City Code, Ms. Nova confirmed that it is.

Motion made by Commissioner Tucker and seconded by Commissioner Kramer, and carried (5 – 0), to approve the updated resolution approving the Variance Permit No. VA2012-001, with a deletion to Finding No. E-1 regarding the abutting properties being single-story residences.

AYES: Ameri, Hillgren, Kramer, Toerge, and Tucker
NOES: None
ABSTENTIONS: None
ABSENT (Excused): Brown and Myers

ITEM NO. 3 Coast Business Center Sign Program (PA2012-010)
SITE LOCATION: 2121 East Coast Highway

Senior Planner Gregg Ramirez presented a PowerPoint presentation and a staff report addressing location and noted that the amendment would allow two additional wall signs on the subject building. He reported that the current signage program allows for a total of ten signs and noted the location of existing signs and the proposed signs. He reported there are currently seven signs on the building. In addition, Mr. Ramirez noted that the item was appealed by Chair Toerge and mentioned that a representative for the applicant is in attendance.

In response to Chair Toerge's inquiry regarding the current sign program and how it differs from the standard policy, Mr. Ramirez reported that the Municipal Code allows one primary and one secondary sign for multi-tenant office buildings. He reported that additional signs may be placed with approval of a comprehensive sign program which allows the Zoning Administrator to allow multiple signs for the primary frontage and each sign cannot exceed 75 square feet. He added that the Code allows the Zoning Administrator to approve additional secondary signs but these are measured as a cumulative total of 37 ½ feet. He stated that in 2007, the Zoning Administrator approved seven additional signs on the primary frontage and one additional sign on the secondary frontage.

In reply to Chair Toerge's question, Mr. Ramirez noted that multi-tenant buildings have different standards based on the type of building and how they are divided up and used.

It was noted that multi-tenant buildings that have separate entrances can place one sign for each tenant.

Vice Chair Hillgren asked if the comprehensive sign program for the subject building was granted by the Zoning Administration. Mr. Ramirez reported that the review authority for comprehensive sign programs is the Zoning Administrator, not the Planning Commission. He explained considerations and history relative to the specific building.

Interested parties were invited to address the Commission on this item.

Christina Banks, Mesa Management representing the applicant, reported reviewing the documents related to the appeal and reported that the area in question is primarily a commercial area. She stated that the signage is compatible with the area. In addition, she reported that no signs are proposed presently, for the two areas but that when the connected spaces are leased, the City would have the opportunity to review the appearance of the signs and determine if they are compatible and agreeable. She pointed out that the additional signage is not a deviation from the current sign program and that there is an opportunity presented to the business owner, to request more signage. She indicated there is no foreseeable detriment to the community resulting from the additional signs.

Dan Purcell, Corona del Mar, provided photographs of the existing signage on the subject building as well as of surrounding buildings. He encouraged the Commission to not allow more signs on the building.

Christina Banks reported other surrounding lighted signs in the area.

There being no one else wishing to address the Commission, Chair Toerge closed the public hearing for this item.

Chair Toerge stated that the property enjoys a significant amount of signage already; that it is not zoned retail and that he does not believe that they are in harmony with the nearby developments.

Motion made by Vice Chair Hillgren and seconded by Commissioner Tucker.

Commissioner Tucker felt that in practice, the existing signage is unsightly, with too many signs.

Commissioner Kramer stated it does not pass his reasonableness test and agreed with comments from other Commissioners.

Motion carried (5 – 0), to uphold the appeal and reverse the decision of the Zoning Administrator.

AYES: Ameri, Hillgren, Kramer, Toerge, and Tucker
NOES: None
ABSTENTIONS: None
ABSENT (Excused): Brown and Myers

ITEM NO. 4 Airport Area PC Amendment (PA2011-215)

Assistant Planner Melinda Whelan presented a PowerPoint presentation and a staff report addressing location of the Newport Place Planned Community, surrounding properties, background, the residential opportunities created in the Airport Area in 2006 General Plan Update, and the most recent Housing Element Update. The Housing Element identified certain constraints to the development of affordable housing. Ms. Whelan reported that the first constraint stemmed from General Plan Policy LU 6.15.6 which required a ten acre minimum site requirement for residential neighborhoods in the Airport Area. She stated that Housing Element Program HP 3.2.2 is mandated and calls for the City to develop a waiver to the ten acre site requirement. Ms. Whelan reported that the second constraint notes that although the sites within Newport Place and Koll Center had the General Plan Land Use designation for mixed use, the sites remain zoned for commercial and industrial uses. Therefore, Housing Element Program HP 3.2.3 was mandated and calls for the City to amend Newport Place and Koll Center Planned Community texts to allow residential developments that include a minimum of 30 percent of the units affordable to lower income households and densities between 30 units per acre and 50 dwelling units per acre consistent with the MU-H2 General Plan Land Use designation and policies for the Airport Area.

Ms. Whelan reported that the Housing Element Programs and the Housing Element Update were reviewed by the Planning Commission and approved by City Council and HCD. She explained that the proposed Newport Place Planned Community Amendment implements the Housing Element programs by establishing a residential overlay opportunity for properties designated as MU-H2 within the General Plan Land Use Element. She presented the revised PC Land Use map showing the residential overlay which mirrors the existing General Plan Land Use map for properties designated MU-H2. Ms. Whelan reported that the residential overlay provides an opportunity to develop affordable housing for lower-income households and waives the ten acre site requirement. She added that qualifying projects would be subject to a site development review by the Planning Commission. They must provide 30 to 50 units per acre with a minimum of 30 percent of the units affordable to lower-income households for a minimum 30 year term. The units can

be developed only as replacement units pursuant to General Plan Policy LU 6.15.5. She noted that the policy is relative to the number of peak-hour trips generated by new development which cannot exceed the number of trips that result from the existing, non-residential uses.

Ms. Whelan reported that the residential overlay provides general development standards and addressed setbacks, landscaping and multi-family standards from the Zoning Code. She addressed the height limit and reported that staff consulted with affordable housing developers to determine that a standard height to accommodate a development with 30 to 50 dwelling units per acre is approximately 55 feet. She addressed parking and signs, review of the overall design and site development review requiring a public hearing by the Planning Commission to ensure implementation of General Plan policies, and preservation of established community character to the maximum extent while implementing the mixed-use policies of the General Plan. It will ensure high-quality development with proper integration of the project with surrounding existing uses.

In response to an inquiry from Chair Toerge regarding the requirement for affordable housing, Ms. Whelan explained that there is an existing inclusionary Housing Ordinance within Title 19 of the Subdivision Code which requires that the production of affordable units equal to 15 percent of the number for-sale market-rate units be produced. If a project has more than 50 dwelling units, it must provide an Affordable Housing Implementation Plan including an Affordable Housing Covenant for a minimum duration of 30 years.

Chair Toerge clarified that any development must provide 15 percent but that if it provides 30 percent, the ten acre minimum site requirement will be waived.

Vice Chair Hillgren inquired regarding the original reason for the ten acre site requirement. Ms. Whelan responded that the intent was to provide the amenities of park and open space and integrate larger projects into the existing commercial area. Vice Chair Hillgren asked about the height limitation and Ms. Whelan noted that the developer can exceed 55 feet standard with additional findings through the site development review and meeting the Airport Land Use Commission requirements. Regarding the ability to increase the units per acre, Ms. Whelan noted that would be a possibility through a density bonus.

In response to Commissioner Kramer's inquiry regarding the highest occurrence within the existing Newport Place community, Ms. Whelan reported that the highest building is approximately 167 feet and is a permitted height within the existing planned community text. He questioned the rationale of limiting heights to 55 feet when a developer could request higher limits and Ms. Whelan noted that additional height could be set. He stated he would like to add to the number of units allowed as well. He felt that the constraints seem arbitrary and that the set restrictions impose limits when the City is trying to redevelop the area and provide better services for the community.

Ms. Whelan reported that the General Plan established the maximum density when analyzing what the area could handle in terms of increasing residential uses. Regarding exceeding the density requirements, the issue would require additional environmental review including traffic analysis. She addressed opportunities for density bonuses, per State law, that would allow exceeding the density.

Community Development Director Brandt stated there is sufficient flexibility within the policy confines of the General Plan and State laws regarding density bonuses for Affordable Housing projects and within the PC text to find and accommodate varying densities and heights.

Commissioner Tucker noted the possibility of building up to 300 feet with a site development review which will provide flexibility at that point. He referenced the statement that 30 percent of the units must be affordable to lower-income households, addressed the definitions of "lower-income households" and stated that usually, the moderate-income designation is part of the mix and asked whether the lower-income designations listed are mandated. Ms. Whelan reported that the designation of "lower-income households" was identified within the Housing Element update. She stated that there are approximately 1,700 units that must be provided, the

majority of which, to lower-income households (low- and very low-) that must be provided within the Housing Element.

Associate Planner Jaime Murillo added that part of State Housing Element law requires that the City provide adequate sites zoned to accommodate lower-income housing needs. He noted that the requirement is specific to low- and very low-income categories.

Commissioner Tucker addressed the General Plan limitation of 2,200 units and asked whether the density bonus may exceed that amount. Community Development Director Kimberly Brandt noted that is one of the reasons why the Housing Element law is specific in terms of establishing densities within the ranges of 30 to 50 units per acre. Ms. Brandt noted that it removes the governmental constraint to move forward with a project that is already consistent with the zoning and parameters established by the General Plan. She added that State law regarding density bonus supersedes the City's local codes.

Chair Toerge addressed formatting errors that he understood would be corrected in the document to be submitted to the City Council. He inquired regarding setbacks and Ms. Whelan reported that the document uses new language that is consistent with other areas within the PC text. He asked regarding the definition of an interior setback and Ms. Whelan reported interior setbacks are any setbacks that are not street setbacks. Regarding the meaning of a footprint lot, Ms. Whelan reported that many of the lots have property lots that encompass the building footprint. Chair Toerge reported that there is reference to a section within the document that could not be found. Ms. Whelan will correct the reference.

Interested parties were invited to address the Planning Commission on this item.

Steve C. Kiser spoke on behalf of his client who owns nearby condominiums. He referenced a letter that was distributed under separate cover and expressing his client's objections. He spoke in opposition to the project, addressed existing uses and the lack of amenities in the area and took exception to proposed amendment. He addressed maintaining the existing quality of life, acknowledged mandates from the State but felt that adding residential uses to the area is inappropriate.

Jim Mosher, Newport Beach, referenced a conversation with Evelyn Hart, former Council Member, who is passionate regarding affordable housing, especially for seniors and he addressed the opportunity for affordable housing. He asked whether the City has a firm commitment to provide affordable housing for seniors and if so, where and how.

Linda Tang, the Kennedy Commission; a coalition of community members that advocate for the development of housing for working families that earn less than \$75,000 a year. She distributed a letter and commended the City in its advocacy for the development of affordable housing within the City. She expressed support for the item.

Christina Banks, Mesa Management, reported she manages commercial property in the Newport Place area and inquired regarding the maximum unit count per acre that are not zoned affordable housing. She inquired regarding the density bonus in relation to the normal zoning standards and the basis of the traffic study. She asked whether the affordable housing would supersede the traffic study. In addition she asked regarding the number of existing low- and very-low income affordable housing units in the City. She expressed concerns regarding the lack of amenities for the residential area.

There being no others wishing to address the Commission, Chair Toerge closed the public hearing for this item.

Chair Toerge reported that the property was zoned residential effective with the 2006 General Plan and noted that there was substantial discussion at that time regarding the need to create a critical mass and that is why the ten acre minimum was established.

In response to Chair Toerge's question regarding the effects of the ten acre minimum, Ms. Whelan reported that if the programs discussed at this time are not implemented to meet the identified housing needs, there will be a substantial carry-over of units into the next Housing Element period and the City may be subject to a four year review of its Housing Element rather than an eight year review.

Chair Toerge asked regarding elimination of the carry-over units by designating or by building them. Ms. Whelan reported these are eliminated by identifying the opportunity for the sites rather than by building them.

She reported that the densities in the Newport Place Planned Community established by the General Plan are 30 to 50 units per acre and does not change with an affordable housing project. She stated that the density bonus as established by State law and in the Zoning Code is based on a percentage of the base units proposed and varies depending on the number of affordable units being provided and the level of affordability. Ms. Whelan reported that the traffic study done with the 2006 General Plan update was based on incorporating residential into the airport area and that currently, the City has 195 units including 32 low-income, 33 very low-income and 99 extremely low-income units.

Commissioner Tucker commented on the need to move forward with the General Plan provisions and the implementation of the Housing Element. He reported there was concern about establishing residential uses in the area without sufficient amenities but noted there will be a site plan review and will include consideration of adequate amenities.

Commissioner Ameri expressed similar concerns and stated he would like to see a plan that would provide information regarding the requirement for amenities.

Vice Chair Hillgren agreed with Commissioner Tucker's statements adding that the Planning Commission has the opportunity to review specific development plans. He noted the City is working to ensure compliance and agreed with setting at least minimum requirements to maintain review of the Housing Element at eight years rather than four years.

Ms. Whelan noted that the Housing Element was found compliant with State Housing Element law specifically with the ten acre minimum.

Associate Planner Murillo addressed the need to accommodate affordable housing projects.

Chair Toerge referenced the ten acre minimum and indicated he would not support the recommendation for an amendment. He stated support for the original planning within the General Plan.

Commissioner Tucker stated that these Housing Programs requiring the waiver and amendments including implementation are within the adopted Housing Element within the General Plan.

Motion made by Commissioner Tucker and seconded by Commissioner Kramer, and carried (4 – 1), to adopt the draft resolution recommending City Council adoption of the Newport Place Planned Community Development Plan Amendment.

AYES: Ameri, Hillgren, Kramer, and Tucker
NOES: Toerge
ABSTENTIONS: None
ABSENT (Excused): Brown and Myers

H. NEW BUSINESS

ITEM NO. 5 Mariner's Pointe (PA2010-114)
SITE LOCATION: 100 – 300 West Coast Highway

Community Development Director Brandt noted this is not a public hearing but rather is being presented in compliance with conditions of approval on the project. She stated that staff provided public notice to all property owners within 300 feet of the property so that they would have the opportunity to participate in the meeting.

Associate Planner Murillo presented details of the final architectural and landscaping plans for the Mariner's Pointe project which was approved by Council on August 9, 2011. The project is a two-story commercial building and a three-level parking structure on the corner of West Coast Highway and Dover Drive. He provided background information of the previously approved project and noted that the building and parking structures were designed to accommodate restaurant use, retail use and medical office use. He reported that when the Council approved the project, they noted that the project would help revitalize the Mariner's Mile corridor and would establish a new, higher standard of development for the area. He stated that to ensure the proposed architectural and landscape improvements were implemented in the final design, the Council added conditions of approval requiring the Planning Commission to review and approve the final building elevations and roof plan and landscaping improvements. Any substantial changes would also require Planning Commission review.

He noted the Commission has been provided with detailed architectural and landscaping plans as well as other information to assist with the review. He presented details of the overall design, enhanced architectural details and pointed out changes to the design. Mr. Murillo addressed revisions to the building elevation and parking structure, and increases in the height of the proposed towers. He reported on the expansion of the mechanical equipment enclosure over the commercial building and the addition of a new mechanical equipment enclosure over the parking structure. He addressed details of the roof plan, the need to increase the size of the equipment enclosures due to installation of pollution control units and ventilation fans and silencers, mechanical equipment screening, and a noise assessment that was prepared to ensure compliance with the City's noise standards. He addressed colors and materials for the project, and summarized revisions to the final landscape plan including the expansion of the water feature at the corner of the project and expansion of decorative paving. He presented recommendations as stated in the report and noted that a comment letter was received by staff which was distributed to the Commission.

Discussion followed regarding changes in the square footage of the retail components and in parking.

Mr. Murillo reported that the exact land-use mix is unknown and explained that parking requirements were based on a number of assumptions. He also noted that due to the need to add columns to support the increased weight of the roof, the number of spaces within the parking structure has been reduced to 143 parking spaces.

Interested parties were invited to address the Commission on this item.

Todd Stoutenborough, Stoutenborough Architects and Planners, felt the project presents a logical solution to a difficult site. He reported that many of the Commission's suggestions were incorporated into the final drawings and noted the project was well-received by Council. He addressed the elevation of the site and adjacent bluff, original approved concept plan, the commercial building and parking structure design, colors and materials, and design concept of achieving a village look for the project. Mr. Stoutenborough addressed details of changes to building elevations, entry to the parking garage, height of the parking garage, original and revised roof plan, requirement to ventilate the garage, pavers, enhancements in the proposed fountain, additional stone veneer, architectural colors and materials, and metal screens.

Mr. Stoutenborough addressed the function of the parking structure, handicap parking, land use assumptions, noise study and screening for the mechanical equipment.

Eva Verdault and Glen Verdault, property owners, presented a history of her family and addressed their family's ethics and pride. They felt that Mariner's Pointe will be a landmark to the City and bring continual renovation to the area. They addressed installation of underground utilities as well as the re-routing of sewer lines and assured the City, business owners and residents that they have done their utmost to ensure that every aspect of the project will be something loved by everyone.

Jim Mosher, Newport Beach, spoke in opposition of the project including the architectural design and access.

Hal Wagner, Attorney representing Cameron Merae, one of the owners residing on the bluff above the proposed project, presented a written statement to the Commission and addressed the previous denial of the project by the Planning Commission because of impacts to nearby residents and the size of the structure relative to the size of the land. He felt that the proposed changes continue to impact nearby residents including increases in the heights of the towers, the mechanical equipment area and a reduction in landscaping.

Vice Chair Hillgren inquired regarding the location of decreased landscaping and Mr. Murillo reported that the decorative hardscape and the proposed water feature are considered part of the landscaping plan. He noted that the general planting area has decreased while the decorative hardscape was expanded within the parking garage and on the side adjacent to Dover.

Commissioner Tucker noted that the landscaping meets the Mariner's Mile landscaping guidelines.

Mr. Wagner requested that the Commission deny the proposed changes to the approved plan.

Steven James commented on the size of the property and felt that the owners are proposing a building that is far superior to anything currently on Mariner's Mile. He spoke in support of the project noting that the changes only enhance what has already been presented.

Jack Geerling reported he lives on the bluff above the proposed project and expressed concerns regarding elimination of his view by the project. He noted previous denial of the project by the Planning Commission, reported that his neighbors have indicated opposition to the project and addressed the possibility of decreased property values.

Cameron Merae commented in opposition to the project and addressed the proposed mechanical equipment screening and related issues with noise and fumes.

Albert Hanna, Newport Beach, spoke in support of the project and urged the Commission to approve it.

There being no other speakers, Chair Toerge closed the public comments for this item.

Todd Stoutenborough reported working closely with nearby neighbors and stated there are no view impacts or smells in relation to the project. He noted careful attention has been given and addressed the heights of the structures.

Commissioner Tucker reported that the project has been approved by Council and that they imposed conditions on the Planning Commission to review elevations and the landscape plan. He inquired regarding vine pockets along the west elevation and the possibility of planting trees in place of the vines.

Mr. Stoutenborough explained the wall is a four-hour firewall between adjacent properties and that there is no room to plant trees in that area. In response to Commissioner Tucker's inquiry regarding maintenance of the silencer and odor scrubber, Mr. Stoutenborough stated he would agree with the addition of a condition addressing same.

He replied to additional questions from Commissioner Tucker regarding the type of tiles proposed for the roof, the smooth trowel stucco finish, the proposed window mullions and doors and the proposed stone veneer.

Community Development Director Brandt reported that the Planning Commission has been charged with the duty of reviewing and approving the exterior elevation and finishes for the building and that any future tenant wishing to change the approved exterior would require review by the Planning Commission.

Regarding the plaster, Mr. Murillo reported that the notes on the architectural plans match the style shown in the colors and materials board indicating a smooth-coat finish.

Commissioner Kramer addressed the increased height of the tower elements noting that it complies with maximum Code requirements. He noted that the landscaping fits within the Mariner's Mile specifications and commended the applicant for the project stating that it is fitting as an entrance to the area and sorely needed. He indicated he will vote in favor of the project.

Commissioner Ameri expressed concerns with the façade of the parking garage but indicated he will support the project.

Motion made by Vice Chair Hillgren and seconded by Commissioner Kramer.

Commissioner Tucker commended the applicant on the project and commented positively on it.

Chair Toerge inquired regarding the decrease in parking spaces, the specific location of the loss and the number of parking stalls in the original proposal that were off site.

Mr. Murillo presented a comparison between the approved and revised number of parking stalls.

Mr. Stoutenborough reiterated that many of the Planning Commission's suggestions were incorporated into the plan that was presented to the City Council.

Chair Toerge indicated he will not support the project but commended the applicant on the quality of material but expressed concerns regarding the amount of development on the site and its particular location within the City.

Motion carried (4 – 1), to adopt the draft resolution approving the final architectural and landscaping plans for the project, and find the changes in the design to be in substantial conformance with the project design approved by Site Development Review No. SR2010-001 and Conditional Use Permit No. UP2010-024.

AYES: Ameri, Hillgren, Kramer, and Tucker

NOES: Toerge

ABSTENTIONS: None

ABSENT (Excused): Brown and Myers

ITEM NO. 6 Review of Preliminary Fiscal Year 2012-2013 Capital Improvement Program (PA2007-131)

This item was heard at the beginning of the agenda as requested by staff.

I. STAFF AND COMMISSIONER ITEMS

ITEM NO. 7 Community Development Director's report.

Community Development Director Brandt reminded the Planning Commissioners that the next agenda for the meeting of June 21, 2012, will be primarily devoted to the Newport Banning Ranch project. She reported there is a full agenda anticipated for the July 5, 2012, meeting and asked that the Planning Commissioners let her know in advance if they are unable to attend.

ITEM NO. 8 Announcements on matters that Planning Commission members would like placed on a future agenda for discussion, action, or report.

None

ITEM NO. 9 Request for excused absences.

Vice Chair Hillgren requested an excused absence for the Planning Commission meeting of July 19, 2012.

ADJOURNMENT

There being no further business to come before the Planning Commission, the meeting was adjourned at 9:34 p.m.

The agenda for the Regular Meeting was posted on June 1, 2012, at 3:54 p.m. on the City Hall Bulletin Board located outside of the City of Newport Beach Administration Building.

Michael Toerge, Chairman

Fred Ameri, Secretary